

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on April 1, 2013.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

March 18, 2013

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present: Beduhn Dykhouse Lomonaco Palmer
 Postema VanderSluis VanHouten

Other official present: Tim Cochran, City Planner
 David Rupert, Housing Inspector

A motion was made by Palmer, and seconded by Beduhn to approve the minutes of the Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V130002 P.P. #41-17-31-351-001
Valentine Badeev
5828 Kenowa Ave. S.W.
Zoned ER-1

The application requesting a variance from City Zoning Code section 90-891 requiring minimum two acre lots in the ER-1 Estate Residential Zone District; to allow proposed split of 252.8'x332.58' parcel into lots 126.4'x332.58', 42,038 square foot area = 0.96 acres per lot, one with existing house and one lot for future house construction was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Elianna Badeev, 5828 Kenowa said their current house is too small, and they want to build a new house.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Tim Cochran, City Planner, explained the area was unique. When utilities were extended to the area in the 1970's, there had been discussion regarding rezoning. Many of the owners wanted to preserve the atmosphere of large lots. A compromise was made in the form of the ER-1 Zoning, which required lots to have a minimum of two acres, or to be subdivided into plats. There are some smaller lots that have "grandfather" or legal non-conforming status because they were already in existence. Staff recommended the variance be denied, and Cochran read the following Finding of Facts:

1. There are no apparent extraordinary circumstances that warrant a lot division of this parcel. It currently is just under the minimum two acres required in the ER zone district outside of platted subdivisions. The majority of parcels in the near area are two acres or considerably larger.
2. Property rights are fully enjoyed in the parcel's current configuration and one single family house.
3. Allowing proposed parcels considerably smaller than adjacent parcels may reduce overall property values of those parcels.
4. Precedence is a concern as granting this request would very likely generate interest from other property owners to apply for splits outside of the subdivision platting process.

A motion was made by Dykhous and seconded by Van Houten that the request for a variance in application no. V130002 be denied, accepting staff's Finding of Facts.

Dykhous recalled a similar request in the area that the Board had also denied.

Motion carried: 7 Yeas 0 Nays

Ms. Badeev expressed her displeasure on having her variance denied, citing the amount she paid for the variance application, the unused portion of her yard and the changing of times since the Zoning Code was enacted.

There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

Canda Lomonaco
Secretary

CL:cb